



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1563

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

10 ILCS 5/29-5

from Ch. 46, par. 29-5

Amends the Election Code. Provides that each local election authority shall, within 2 weeks of election day, deliver to the State Board of Elections a list of all voters that requested vote by mail ballots and either voted early or was given a provisional ballot at their precinct on election day. Provides that the State Board of Elections, in consultation with the State's Attorney with jurisdiction over the election authority, shall review the lists and investigate to determine whether any voter's intent when voting early or requesting such provisional ballots on election day was to vote more than once. Provides that, if such investigation reveals that the voter knowingly attempted to vote more than once, he or she shall be guilty of a Class 3 felony.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 29-5 as follows:

6 (10 ILCS 5/29-5) (from Ch. 46, par. 29-5)

7 (Text of Section before amendment by P.A. 98-1171)

8 Sec. 29-5. Voting more than once. Any person who, having
9 voted once, knowingly on the same election day where the ballot
10 or machine lists any of the same candidates and issues listed
11 on the ballot or machine previously used for voting by that
12 person, (a) files an application to vote in the same or another
13 polling place, or (b) accepts a ballot or enters a voting
14 machine (except to legally give assistance pursuant to the
15 provisions of this Code), shall be guilty of a Class 3 felony;
16 however, if a person has delivered a ballot or ballots to an
17 election authority as an absentee voter and due to a change of
18 circumstances is able to and does vote in the precinct of his
19 residence on election day, shall not be deemed to be in
20 violation of this Code.

21 Each local election authority shall, within 2 weeks of
22 election day, deliver to the State Board of Elections a list of
23 all voters that requested vote by mail ballots and either voted

1 early or was given a provisional ballot at their precinct on
2 election day. The State Board of Elections, in consultation
3 with the State's Attorney with jurisdiction over the election
4 authority, shall review the lists and investigate to determine
5 whether any voter's intent when voting early or requesting such
6 provisional ballots on election day was to vote more than once.
7 If such investigation reveals that the voter knowingly
8 attempted to vote more than once, he or she shall be guilty of
9 a Class 3 felony.

10 (Source: P.A. 83-755.)

11 (Text of Section after amendment by P.A. 98-1171)

12 Sec. 29-5. Voting more than once. Any person who, having
13 voted once, knowingly on the same election day where the ballot
14 or machine lists any of the same candidates and issues listed
15 on the ballot or machine previously used for voting by that
16 person, (a) files an application to vote in the same or another
17 polling place, or (b) accepts a ballot or enters a voting
18 machine (except to legally give assistance pursuant to the
19 provisions of this Code), shall be guilty of a Class 3 felony;
20 however, if a person has delivered a ballot or ballots to an
21 election authority as a vote by mail voter and due to a change
22 of circumstances is able to and does vote in the precinct of
23 his residence on election day, shall not be deemed to be in
24 violation of this Code.

25 Each local election authority shall, within 2 weeks of

1 election day, deliver to the State Board of Elections a list of
2 all voters that requested vote by mail ballots and either voted
3 early or was given a provisional ballot at their precinct on
4 election day. The State Board of Elections, in consultation
5 with the State's Attorney with jurisdiction over the election
6 authority, shall review the lists and investigate to determine
7 whether any voter's intent when voting early or requesting such
8 provisional ballots on election day was to vote more than once.
9 If such investigation reveals that the voter knowingly
10 attempted to vote more than once, he or she shall be guilty of
11 a Class 3 felony.

12 (Source: P.A. 98-1171, eff. 6-1-15.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.